

REMARKS

Claims 1-58 are currently pending in the subject application and are presently under consideration. Claims 30, 37, 38, and 43 have been amended as shown on pp. 2-11 of the Reply. The amendments contain no new subject matter and the amendments will not require a new search. In addition, claims 49 and 55-57 have been cancelled without prejudice or disclaimer.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 37-44 Under 35 U.S.C. §101

Claims 37-44 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. This rejection should be withdrawn for at least the following reasons. Claims 37, 38, and 43 have been amended to overcome this rejection.

Reconsideration and withdrawal of the rejections of claim 37, 38, and 43 (and associated dependent claims 39-42, and 44) under 35 U.S.C. § 101 is respectfully requested in view of the foregoing comments and amendments.

II. Rejection of Claims 1-48 and 50-58 Under 35 U.S.C §112

Claims 1-48 and 50-58 stand rejected under 35 U.S.C §112, first paragraph, as failing to comply with the written description requirement. This rejection should be withdrawn for at least the following reasons. The specification of the applicants' disclosure provides in full, clear, concise and exact terms the manner of making and using the claimed subject matter.

The Examiner contends at page 4 of the Office Action that the specification fails to disclose a welder that transmits information including "an indication of ownership of a welding consumable". The Applicants' representative respectfully disagrees, and submits that the Examiner has not explained how a person of ordinary skill in the art would fail to understand that a remote system that can charge a customer for welding consumables once used by the customer does not require the remote system to have any information regarding the ownership of the welding consumable. (*See* pg. 10, lines 4-14 of the description). It is clearly explained in the description that the supplier retains ownership of the welding consumables at the customer location and the customer is only charged for the consumables once they are used. Once the consumables are used by the customer, the consumables no longer belong to the owner, and the

customer is charged for their use. The information sent by the welder to the remote system regarding the consumables used therefore implicitly contains information about the transfer in ownership from the supplier to the customer of the consumables.

Accordingly, it is clear that there is adequate support in the description for “information that indicates ownership of a welding consumable”. In view of the foregoing, it is respectfully requested that the rejection to claims 1, 37, 38, 43, 45, 48, 50, and 54 (and associated dependent claims) be withdrawn.

III. Rejection of Claims 37-44, and 55-57 Under 35 U.S.C. §112

Claims 37-44, and 55-57 stand rejected under 35 U.S.C §112, second paragraph for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection should be withdrawn for at least the following reasons. Claims 37-44 have been amended to overcome the rejection, and claims 55-57 have been cancelled, making their rejection now moot.

Independent claims 37, 38, and 43 have been amended to more clearly state how the claims can be defined as a system, through the addition of a processor that is operatively coupled to memory that executes or retains commands or information regarding the components claimed. Since this is a system that retains a physical structure, Applicants’ representative respectfully requests the withdrawal of the rejection to claims 37, 38 and 43 (and associated dependent claims).

IV. Rejection of Claim 49 Under 35 U.S.C. §103(a)

Claim 49 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Niedereder et al. (US 6,797,921 B1) in view of Mottishaw et al. (US 6,721,284 B1). Withdrawal of this rejection is respectfully requested for the following reason. Claim 49 has been cancelled and therefore this rejection is now moot.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [LINCP105US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
57TH Floor, Key Tower
127 Public Square
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731